

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

**08-CR-77
(Hon. Thomas J. McAvoy)**

**DEAN SACCO,
LINDA O'CONNOR,**

Defendants.

GOVERNMENT'S DISCOVERY STATEMENT

The government respectfully furnishes to the Court this written notice of discovery materials provided to the defendants through their respective counsel, Lisa Peebles and Kelly Fischer. Attached to this statement is a copy of the summary letter sent to counsel in addition to and along with the discovery materials/documents sent to counsel.

Dated: February 29, 2008



By: Miroslav Lovric
Assistant U.S. Attorney
Federal Building
15 Henry Street
Binghamton, New York 13901
(607) 773-2887



U. S. Department of Justice

*United States Attorney
Northern District of New York*

304 Federal Building

607 / 773-2887

15 Henry Street

FAX: 607 / 773-2901

Binghamton, New York 13901-2753

February 29, 2008

Ms. Lisa Peebles, Esq.
Office of the Public Defender
The Clinton Exchange, 3rd Floor
4 Clinton Square
Syracuse, New York 13202

Mr. Kelly E. Fischer
Fischer, Fischer Law Firm
142 Front Street
Binghamton, New York 13905

Re: United States v. Dean Sacco & Linda O'Connor, [08-CR-77] (TJM)

Dear Ms. Peebles & Mr. Fischer:

This letter memorializes and confirms copies of discovery materials which are hereby being mailed to your attention in connection to this case.

Enclosed you will find copies of the following materials and documents:

1. Copies of search warrant applications, affidavits, and search warrants executed in connection to this case; Copies of reports of property seized and inventory forms of items seized. Property was also recovered from other persons and locations and enclosed are reports identifying the property recovered; from whom recovered; and from where recovered.
2. Copy of CD containing telephone conversations between defendant Sacco and the minor victim (a copy of this CD was previously provided to both defense counsel as an Exhibit attached to the Felony Complaint).
3. Copy of defendant Sacco's and defendant O'Connor's Criminal History (rap sheet).
4. Copy of Forensic Analysis report prepared by the Broome County Security Division Computer Analysis & Technical Services (CATS Unit) regarding analysis of Lang computer.
5. Copy of complete file and police reports and investigation conducted by

Connecticut State police in 2003 regarding sexual assault and sexual contact of minors by defendant Sacco.

6. Copy of police reports and investigation reports of incident investigated by Watertown, Connecticut Police Department of defendant Sacco in 1986 in connection with sexual acts performed in connection with minors.

7. Copy of police reports of the Waterbury, Connecticut Police department in connection with defendant's Sacco's assault of a minor.

8. Consent to intercept form.

9. Letter written and sent by defendant Sacco to defendant O'Connor.

10. Letter written and sent by defendant Sacco to Marc Yerton.

11. Another letter written and sent by defendant Sacco to Marc Yerton.

12. Forensic report from CATS unit regarding micro cassettes.

13. Letter written and sent by defendant Sacco (has smiley face on it).

14. Chenango County Pre-Plea Report prepared by Probation Department for defendant Sacco.

15. Defendant Sacco New Jersey Certificate of Conviction.

16. New Jersey Department of Corrections informational data regarding defendant Sacco.

17. Copies of e-mails between defendant O'Connor and Lang.

18. Defendant Sacco web page "Groom Portfolio".

19. Copies of investigation reports from Norwich Police Department.

20. Copies of transcripts of interview of minor victim.

21. Letter written and sent by defendant Sacco to the Press & Sun Bulletin.

22. New York Times article regarding Sacco's kidnapping and armed robbery New Jersey case.

23. Sacco's Submission & Publication Agreement and accompanying documents in connection to defendant Sacco's autobiography titled "American Desperado: The Struggle To Find Myself".

24. A complete copy of defendant Sacco's autobiography titled "American Desperado: The Struggle To Find Myself".

Please be advised that the forensic analysis of defendant O'Connor's computer, floppy disks, telephones, cameras, and other items seized is in the process of being conducted. The full analysis will take some time and the forensic analysis report will not be completed for some time. As soon as the report is completed and I receive a copy, I will forward a copy to you minus any child pornography videos and images (all child pornography can be viewed at my office at your convenience---see Title 18 USC 3509(m)). Also, please note that some child pornography images were found on Lang's computer and can be viewed at my office.

Please be advised that the government is in possession of computers, audio tapes, telephones, cameras, disks, photographs, documents and numerous other materials, in addition to numerous other items of property as described in the property inventory reports enclosed in this discovery packet. The government intends to offer into evidence at trial all these items. Additionally, one or more computer forensic experts from the Broome County Security Division Computer Analysis unit (CATS unit) will be called to testify at trial regarding the analysis of these items and what was found by the forensic analysis.

Please be advised that pursuant to the search warrants, numerous items, materials and documentation were seized and are available to be viewed at our office at your convenience. The government intends to offer all these items into evidence at trial.

Please be advised that defendants Sacco and O'Connor made statements to law enforcement officers. The government intends to offer into evidence at trial all such statements made by defendants Sacco and O'Connor to all law enforcement officers. Statements made to law enforcement are summarized in sum and substance in police reports and investigation reports enclosed in the discovery materials. We intend to offer statements made by defendants to all law enforcement including the Norwich Police Department, Connecticut law enforcement and New Jersey law enforcement officers. Please note that I am awaiting the law enforcement files from the New Jersey law enforcement agencies in connection to Sacco's kidnapping and armed robbery case and will forward copies once I receive those reports.

Please be advised that we intend to offer into evidence at trial all telephonic conversations that defendant Sacco had with the minor victim which were tape recorded by law enforcement with the minor victim's consent. We have previously provided a copy of the CD containing said conversations and another copy is enclosed herein.

Please be advised that we intend to offer into evidence at trial all statements made by defendant Sacco in various letters; in his autobiography book; and oral statements made by defendant to the media before and after court proceedings as well as statements made by defendant Sacco in open court. We also intend to offer the letters and book into evidence as exhibits.

Please be advised that we intend to offer into evidence at trial statements made by defendant O'Connor at the detention proceeding held before Magistrate Judge Lowe on February 28, 2008 whereby defendant O'Connor stated, through her attorney, in substance that she never owned or possessed a computer.

The government is not aware of any Brady material in this case at this time and we recognize our continuing duty to provide any such material in the future should it come to our attention. Giglio material, if any exists, as to any witness that will be called to testify by the government at trial will be disclosed prior to trial as called for by the Criminal Pre-Trial Order and by existing Second Circuit case law.

We hereby give notice that we intend to offer evidence on our direct case in chief pursuant to Federal Rules of Evidence, Rule 413, Rule 414 and Rule 404(b) of other offenses and other acts committed by defendant Sacco. Specifically, we have herein provided detailed police reports including statements of other victims in connection with offenses committed by defendant Sacco in Connecticut in 2003/2004, 1986 and 1983/1984. We intend to present direct evidence of these offenses and acts committed by Sacco as described in these reports. Additionally, Sacco in his autobiography identifies and provides details of other sexual assaults of minors; sexual stalking conduct; and other sexual predatory actions committed by him. We intend to offer into evidence all those events and the details as provided by defendant Sacco in his autobiography. We also intend to offer into evidence in our case in chief the details of defendant's New Jersey kidnapping and armed robbery event. I am awaiting the police files and will forward copies as soon as I receive them but enclosed herein is a summary of the event from a New York Times Article and Sacco himself describes the event in his autobiography book. As we uncover any additional events admissible under Rules 413, 414 or 404(b), we will provide notice.

Please note that at trial the government will be calling a number of expert witnesses. One or more computer forensic specialists from the CATS unit will be called to testify as to the examination of computers and the other items seized and what was contained on the computers and computer related components, disks, telephones, etc. Please be advised that we also intend to call one or more psychologists, psychiatrists and social workers whose expertise involves the treatment of minors and children who have been sexually abused and/or raped in order to testify about how such children deal with such traumatic physical and psychological events; how they disclose such events; how such events affect their conduct. We will provide further notice and specificity of psychological experts as we further develop that information.

Any remaining materials, evidence, reports, memoranda and documents described in Title 18, U.S.C., section 3500 [including reports of witnesses that the government intends to call at trial], also known as Jencks Act material, will be provided at the commencement of trial even though these materials are not required to be disclosed to defendant until after a witness testifies at the trial. **Please note**, a substantial amount of Jencks materials are in fact already included in this discovery packet.

Pursuant to the Criminal Pre-Trial Order issued in this case and Rules 16 and 12 of the Federal Rules of Criminal Procedure, the government hereby requests reciprocal discovery from defendant. Also, pursuant to Rule 12.1 of the Federal Rules of Criminal Procedure, the government requests any and all alibi notice as required by the federal rules. Finally, pursuant to the rules, we request notice of any expert witness that the defense intends to call at trial whether it pertains to the guilt phase or the sentencing phase.

Very truly yours,

GLENN T. SUDDABY
United States Attorney


A handwritten signature in black ink, appearing to read "M. Lovric", is written over the typed name of the assistant attorney.

BY: Miroslav Lovric
Assistant U.S. Attorney

cc: United States District Court [For Filing w/o discovery materials/enclosures]

CERTIFICATE OF SERVICE FOR ELECTRONIC CASE FILING SYSTEM

I hereby certify that on February 29, 2008, I electronically filed with the NDNY Clerk of the District Court using the CM/ECF system the above-referenced document(s) in connection with the above-referenced case. The CM/ECF system automatically sent electronic notifications of such filing to the attorneys of record in this case, as maintained by the District Court Clerk's Office, AND who are properly registered in the CM/ECF system for the NDNY as required pursuant to NDNY General Order #22. As for any attorney of record in this case who is not registered in the CM/ECF system for the NDNY, the government has caused to be mailed or faxed to that attorney either the actual CM/ECF electronic notification/e-mail as received from the CM/ECF system by the government and/or the actual documents being filed. Therefore, the non-registered attorney(s) will receive the same electronic ECF notice with the same information as will the attorney(s) who is/are registered in the CM/ECF system.



Miroslav Lovric
Assistant U.S. Attorney